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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,697	10/19/2000	William John Delinsky	Peregrin-P1-00	8755

7590 06/16/2004  
Peter K. Trzyna  
P.O. Box 7131  
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EXAMINER

HAMILTON, LALITA M.

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/692,697

Applicant(s)

DELINSKY ET AL.

Examiner

Lalita M Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

## **DETAILED ACTION**

### ***Claim Objections***

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 23-26 and 28-35 have been renumbered 22-33.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3, 6-26, and 28-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Erlanger (US 2003/0055778).

Erlanger discloses a data processing system and method for providing an efficient market for loans and lines of credit comprising a referrer-controlled method for transferring an inbound communication to one of a plurality of financial assistance providers, the method including receiving an inbound communication from a referring apparatus of information sufficient to identify a referrer identity, selecting which one of a plurality of financial assistance providers to refer the inbound communication by using a computer to look up and to apply referral criteria responsive to the referrer identity, and connecting the inbound communication to the one of the plurality of the financial assistance providers in accordance with the criteria (fig.2 and 4-all and p.5, 66 to p.8, 132); the steps of receiving and selecting are carried out with the referrer identity being a lender identity and with said inbound communication including a telephone connection to a debtor of a lender having the lender identity (fig.2 and 4-all and p.5, 66 to p.8, 132); storing telephone numbers for a plurality of financial assistance providers in memory accessible by a digital electrical computer, obtaining lender criteria for selecting one of the financial assistance providers, storing said criteria for access by said computer, identifying a debtor, selecting one of the financial assistance providers by accessing the criteria, applying the criteria, and accessing one of the stored telephone numbers, and connecting the debtor by telephone to the one of the stored telephone numbers (fig.2 and 4-all and p.5, 66 to p.8, 132); receiving debtor-identifying information by telephony and communicating the information from said telephony to the lender for tracking debtor payment performance with said debtor-identifying information (fig.2 and 4-all and p.5, 66 to p.8, 132); the step of connecting is carried out with the financial assistance center

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being a credit-counseling agency (fig.2 and 4-all and p.5, 66 to p.8, 132); providing some of said financial assistance centers with call activity reporting by means of a secure web site (fig.2 and 4-all and p.5, 66 to p.8, 132); providing call activity reporting updated no less than daily at a secure web site (fig.2 and 4-all and p.5, 66 to p.8, 132); providing a web site demonstration of said method (fig.2 and 4-all and p.5, 66 to p.8, 132); applying as said criteria a call routing triggered by a quantity of prior calls respectively placed to the financial assistance centers (fig.2 and 4-all and p.5, 66 to p.8, 132); applying as said criteria a call routing triggered by a detection of a debtor who has previously been referred to one of the financial assistance centers (fig.2 and 4-all and p.5, 66 to p.8, 132); applying as said criteria a call routing triggered by time of day (fig.2 and 4-all and p.5, 66 to p.8, 132); applying as said criteria a call routing triggered by location of the debtor (fig.2 and 4-all and p.5, 66 to p.8, 132); applying as said criteria a default call routing triggered by a failure to make a first connection to one of the financial assistance centers (fig.2 and 4-all and p.5, 66 to p.8, 132); storing call referral information including number of calls and call duration data for each said financial assistance center and generating a report of said call referral information (fig.2 and 4-all and p.5, 66 to p.8, 132); storing call referral information including caller hang up data; generating a report of said call referral information (fig.2 and 4-all and p.5, 66 to p.8, 132); storing call referral information including attempted but uncompleted call connecting and generating a report of said call referral information (fig.2 and 4-all and p.5, 66 to p.8, 132); generating a call referral report by time period for each said financial assistance center (fig.2 and 4-all and p.5, 66 to p.8, 132); including in the

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report an analysis of call referral activity by time of day (fig.2 and 4-all and p.5, 66 to p.8, 132); including in the report an of call referral analysis activity by day of week (fig.2 and 4-all and p.5, 66 to p.8, 132); including in the report an analysis of call referral activity by state of debtor (fig.2 and 4-all and p.5, 66 to p.8, 132); including in the report an analysis of uncompleted calls (fig.2 and 4-all and p.5, 66 to p.8, 132); generating a call referral report including a comparison of said financial lenders (fig.2 and 4-all and p.5, 66 to p.8, 132); a computer system programmed to implement a method for referring a telephone communication to one of a plurality of financial assistance providers based on lender criteria, the computer system including a digital electrical computer having a processor, the processor electrically connected to store and receive electrical signals at a memory device, to receive input electrical signals corresponding to input information from an input device, to convert output electrical signals into output information at an output device, the processor programmed to control the digital electrical computer to receive the input electrical signals and to process the input electrical signals to produce the output electrical signals in storing telephone numbers for a plurality of financial assistance providers in memory accessible by said digital electrical computer, storing lender-provided criteria for selecting one of the financial assistance providers, identifying a debtor in response to a telephone communication, and selecting one of the financial assistance providers by accessing the criteria, applying the criteria, and accessing one of the stored telephone numbers to connect the debtor to the one of the stored telephone numbers (fig.2 and 4-all and p.5, 66 to p.8, 132); a telephone controlled by said digital electrical computer to connect the

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debtor by telephone to the one of the stored telephone numbers (fig.2 and 4-all and p.5, 66 to p.8, 132); a method for making a computer system to refer a telephone communication to one of a plurality of financial assistance providers based on lender criteria, the method including the steps of providing a digital electrical computer having a processor, the processor electrically connected to store and receive electrical signals at a memory device, to receive signals in storing telephone numbers for a plurality of financial assistance providers in memory accessible by said digital electrical computer, storing lender-provided criteria for selecting one of the financial assistance providers, identifying a debtor in response to a telephone communication, and selecting one of the financial assistance providers by accessing the criteria, applying the criteria, and accessing one of the stored telephone numbers to connect the debtor to the one of the stored telephone numbers (fig.2 and 4-all and p.5, 66 to p.8, 132); a computerized method for providing call referral activity reporting at an Internet address, the method including the steps of generating call referral data by receiving an inbound telephone communication from a referring apparatus of information sufficient to identify a referrer identity, selecting which one of a plurality of financial assistance providers to refer the inbound communication by using a computer to look up and to apply referral criteria responsive to the referrer identity, and connecting the inbound communication to the one of the plurality of the financial assistance providers in accordance with the criteria, and posting call referral data to the Internet web address (fig.2 and 4-all and p.5, 66 to p.8, 132); and engaging accounting software to track compensation for the connecting (fig.2 and 4-all and p.5, 66 to p.8, 132).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4-5 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erlanger in view of Katz (US 2002/0055906).

Erlanger discloses the invention substantially as claimed; however, Erlanger does not disclose using ANI to detect a telephone number and associating the telephone number with debtor information; using IVR to associate the telephone number with debtor information; or using DNIS to detect a telephone number and associating the telephone number with the lender. Katz teaches a methods and apparatus for intelligent selection of goods and services in telephonic and electronic commerce comprising using ANI to detect a telephone number and associating the telephone number with debtor information (p.10, 88); using IVR to associate the telephone number with debtor information (p.10, 88); and using DNIS to detect a telephone number and



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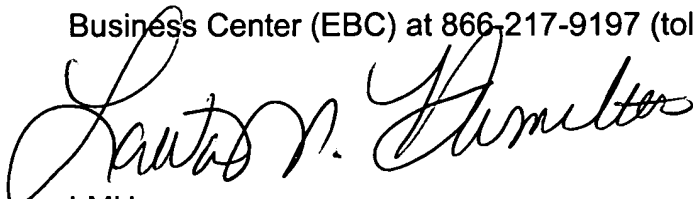
associating the telephone number with the lender (p.1-2, 8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate using ANI to detect a telephone number and associating the telephone number with debtor information; using IVR to associate the telephone number with debtor information; and using DNIS to detect a telephone number and associating the telephone number with the lender, as taught by Katz into the system and method disclosed by Erlanger, as an additional means of interaction and tracking calls.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M Hamilton whose telephone number is (703) 306-5715. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LMH